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			IEVA, NICHOLAS		
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# Please find below and/or attached an Office communication concerning this application or proceeding.

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## Application No. Applicant(s) 10/591.945 FUJISAWA ET AL. Office Action Summary Examiner Art Unit NICHOLAS IEVA 2836 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 07 March 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration. 5) Claim(s) \_\_\_\_\_ is/are allowed. 6) Claim(s) 1-25 is/are rejected. 7) Claim(s) \_\_\_\_\_ is/are objected to. 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some \* c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \* See the attached detailed Office action for a list of the certified copies not received.

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date 01/11/2008

Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)

Attachment(s)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date. \_\_\_\_\_.

6) Other:

5) Notice of Informal Patent Application

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#### DETAILED ACTION

#### Response to the Amendments

Applicant's amendment to the claims filed on 07 March 2008 is acknowledged.

#### Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- Claims 1, 4, 6, 11, 13, 15, 16, 20, and 21-23 are rejected under 35 U.S.C.
   103(a) as being unpatentable over Shamouillan et al. (US 5,646,814), which was

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supplied in the applicant's information disclosure statement, in view of **Benjamin et al.** (US 6,563,076 B1).

Consider claim 1, Shamouilian et al. discloses a bipolar electrostatic chuck which has a first electrode 24 and a second electrode 22 in an interior of an insulating material 26, said first electrode connected to a first voltage source 48 and said second electrode connected to a second voltage source 46 generates at least an attracting performance by a gradient force, and is capable of attracting a sample by allowing a surface of the insulating material to function as a sample attracting plane, characterized in that:

the insulating material 26 comprises an upper insulating layer 26c, the first electrode 24, an inter-electrode insulating layer 26b, the second electrode 22, and a lower insulating layer 26a which are by laminated in the order of distance from the sample attracting plane; and

when the insulating material is viewed from a side cross-sectional view, the first electrode has a plurality of gaps, and the second electrode has a plurality of areas that are not overlapped with the first electrode (Shamouilian; figures 1 and 2b; column 2, line 54 - column 3, line 47; column 4, lines 34-62; column 3, line 56 - column 4, line 20; column 5, lines 60-67).

However, Shamouilian does not clearly disclose that said first electrode and said second electrode are applied voltages that are different from each other.

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In the same field of endeavor, bipolar electrostatic chucks, Benjamin et al. teaches a first electrode **44** and a second electrode **42**, said first electrode and said second electrode are applied voltages that are different from each other (bipolar implementation), generates at least an attracting performance by a gradient force, and is capable of attracting a sample by allowing a surface of the insulating material to function as a sample attracting plane, characterized in that:

the insulating material **36** comprises an upper insulating layer **40**, the first electrode **44**, an inter-electrode insulating layer (the insulating layer between said first and second electrode), and the second electrode **42**, which are laminated in the order of distance from the sample attracting plane.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Benjamin et al. into the bipolar electrostatic chuck taught by Shamouilian et al., because Benjamin's teachings would provided an alternative means of connecting the first and second electrode that would have generated at least an attracting performance by a gradient force, and would have attracted a sample by allowing a surface of the insulating material to function as a sample attracting plane.

Consider **claim 4**, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above.

Furthermore, Shamouilian et al. teaches that the first electrode is formed in a comb-like configuration (a series of first electrodes that when combined resembles a comb-like structure), and that the second electrode is formed in a

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comb-like configuration (a series of second electrodes that when combined resembles a comb like structure); when the insulating material is viewed from a side cross-sectional view (Shamouilian; figure 2b; column 2, lines 54-61; column 4, lines 34-62; column 5, lines 19-59).

Also, Shamouilian et al. teaches that the size and shape of the first and second electrode can vary according to the size and shape of the chuck and the workpiece, in order to maximize the area that the electrodes have in contact with the workpiece and improve the clamping force applied to a workpiece (Shamouilian; column 5, lines 19-31).

However, Shamouilian and Benjamin et al. do not specifically that the second electrode is not overlapped with the first electrode, in a normal line direction of the sample attracting.

It would have been an obvious matter of design choice to have had the second electrode not overlapped with the first electrode, since such a modification would have involved a mere change in size of a component. A change in size is recognized as being within the level of ordinary skill in the art.

Consider claim 6, Shamouilian et al. teaches the first electrode is formed in a comb-like configuration (a series of first electrodes that when combined resembles a comb like structure, when the sample attracting plane is viewed from a side cross-sectional view); the second electrode is formed in a plane having a given planar area, when the sample attracting plane is viewed from a side cross-sectional view; and a part of the second electrode is overlapped with

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the first electrode in a normal line direction of the sample attracting plane (Shamouilian; figure 2b; column 2, lines 54-61; column 4, lines 34-62; column 5, lines 19-59).

Consider claims 11, Benjamin et al. teaches that said first electrode 44 that centers on a circular portion having a given circular area, has a plurality of first annular portions that are concentrically disposed at a given interval, and has a first connection portion that connects the circular portion and the first annular portion portions to each other; and a second annular electrode 42 that has a width that is the same as the interval which is concentrically disposed (Benjamin; figure 1C; column 2, line 59 – column 3, line 2).

Furthermore, Shamouilian teaches a plurality of first and second electrodes and an inter-electrode isolating layer that would have electrically isolated the first and second electrodes from one another (figure 2b; column 5, lines 19-59).

Consider claim 13, Shamouilian et al. teaches that the distance between the first electrode 24 and the second electrode 22 is 1000  $\mu$ m or equal to or more than 1  $\mu$ m and equal to or less than 100  $\mu$ m (Shamouilian; figure 2b; column 6, lines 16-29; claim 7; claim 43).

Consider claim 15, Shamouilian et al. teaches that the inter-electrode insulating layer 26b is formed of a resin layer made of polyimide (Shamouilian; figure 2b; column 6, lines 47-53; column 5, lines 61-67; column 8, lines 16-61; column 9 lines 51-63).

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Consider claim 16, Shamouilian et al. teaches that the resin layer is formed of one resin film (polyimide) (Shamouilian; figure 2b; column 6, lines 47-53; column 5, lines 61-67; column 9, lines 51-63).

Consider claim 20, Shamouilian et al. teaches that a sectional configuration of a part or all of the first electrode 24 taken along the depth direction of the sample attracting plane comprises a configuration selected from the group consisting of a rectangle, a square and a circle (from this view the thin, flat, circular (disked shaped) first electrode can look like a rectangle or square) (Shamouilian; figure 2b; column 5, lines 19-31).

Consider claim 21, Shamouilian et al. teaches that a sectional configuration of a part or all of the second electrode 22 taken along the depth direction of the sample attracting plane comprises a configuration selected from the group consisting of a rectangle, a square and a circle (from this view the thin, flat, circular (disked shaped) second electrode can look like a rectangle or square) (Shamouilian; figure 2b; column 5, lines 19-31).

Consider claim 22, Shamouilian et al. teaches that that the inter-electrode insulating layer has a thickness of 100 micrometers 26b (Shamouilian; figure 2b; column 6, lines 16-53-28).

Consider claim 23, Shamouilian et al. teaches that that the upper insulating layer has a thickness of 100 micrometers 26c (Shamouilian; figure 2b; column 6. lines 16-53-28).

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5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamouillan et al. (US 5,646,814), which was supplied in the applicant's information disclosure statement, in view of Benjamin et al. (US 6,563,076 B1) and Skill et al. (US 6,431,112 B1).

Consider claims 7 and 8, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above, but they do not disclose the first electrode is formed in a lattice-like configuration.

In the same field of endeavor, electrostatic chucks, Skill et al. teaches a electrode that is formed in a lattice-like configuration (mesh configuration) having a plurality of openings each within a given area (Skill; column 7, lines 10-23).

Skill also mention that the mesh allows the insulating layer to be formed around the electrode in a strong physical interaction, thus the reducing the physical stress upon the insulating layer of the chuck during thermal cycling (Skill; column 7, lines 10-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Skill et al. into the bipolar electrostatic chuck taught by Shamouilian et al. and Benjamin et al., because Skill's teachings would have reduced the physical stress an electrode puts upon the insulating layer of the chuck during thermal cycling.

Consider claim 25, Shamouilian et al., Benjamin et al. and Skill eat al. disclose a bipolar electrostatic chuck above, but they do not disclose that the size of each of the openings (gaps) of the fist electrode is in a range of 0.1 to 3.0 mm.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have to have had the size of each of the openings (gaps) of the fist electrode in a range of 0.1 to 3.0 mm, Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. Furthermore, changing the size of the openings (gaps) of the first electrode would affect the electromagnetic field and the thermal properties of the overall electrostatic chuck.

6. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamouilian et al. (US 5,646,814), which was supplied in the applicant's information disclosure statement, in view of Benjamin et al. (US 6,563,076 B1) and Ito (US Pub. 2003/0015521), which was supplied in the applicant's information disclosure statement.

Consider claims 17, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above, but they do not disclose that the inter-electrode insulating layer is formed of a ceramic layer made of one or more elements selected from the group consisting of aluminum oxide, aluminum nitride, silicon carbide, silicon nitride, zirconia and titania.

In the same field of endeavor, electrostatic chucks (Ito; paragraph 0111-0113), Ito teaches an inter-electrode insulating layer that is formed of a ceramic layer made of one element selected from the group consisting of aluminum

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oxide, aluminum nitride, silicon carbide, silicon nitride and zirconia (Ito; figures 1a and 1b; paragraph 0018, 0021-0024; 0039; 0111-0113).

It is well known that these materials have high thermal conductivity, good insulative properties, and can withstand high temperatures.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Ito into the bipolar electrostatic chuck taught by Shamouilian et al. and Benjamin et al., because Ito's teachings would have increased the devices ability to withstand higher temperatures because these materials have a higher thermal conductivity.

Consider claim 19, Ito teaches an electrically conductive layer that is further formed on the surface of the insulating material; and the surface of the electrically conductive layer is capable of serving as the sample attracting plane (Ito; claim 18).

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamouilian et al. (US 5,646,814), which was supplied in the applicant's information disclosure statement, in view of Benjamin et al. (US 6,563,076 B1) and Shufflebotham et al. (WO 97/23945), which was supplied in the applicant's information disclosure statement.

Consider claims 17, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above, but they do not disclose that the inter-electrode insulating layer is formed of a ceramic layer made of one or more elements

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selected from the group consisting of aluminum oxide, aluminum nitride, silicon carbide, silicon nitride, zirconia and titania.

In the same field of endeavor, electrostatic chucks, Shufflebotham et al. teaches an inter-electrode insulating layer that is formed of a ceramic layer made of silicon nitride (Shufflebotham; page 9, lines 5-14).

Shufflebotham also mentions that the use of a nitride as a preferred coating is selected because it gives the device an abrasion resistant surface which protects the electrodes, it has a high dielectric constant which improves the clamping force applied to the workpiece, and it has a high breakdown voltage (Shufflebotham; page 9, lines 7-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Shufflebotham et al. into the bipolar electrostatic chuck taught by Shamouilian et al. and Benjamin et al., because Shufflebotham's teachings would have improved the clamping force applied to the workpiece.

Consider claims 18, Shufflebotham et al. teaches that the inter-electrode insulating layer is formed of silicon dioxide (Shufflebotham; page 9, lines 7-14).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamouilian et al. (US 5,646,814), which was supplied in the applicant's information disclosure statement, in view of Benjamin et al. (US 6,563,076 B1) and Yasushi (JP 2004-031594), which was supplied in the applicant's information disclosure statement.

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Consider claims 10, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above, but they do not disclose that the first electrode centers on a circular portion having a given circular area, has a plurality of first annular portion that are concentrically disposed at a given interval, and has a first connection portion that connects the circular portion and the first annular portions to each other; and the second electrode has a plurality of second annular portions having a width smaller than the interval which are concentrically disposed, is formed to have a second connection portion that connects the second annular portions to each other, the first annular portions and the second annular portions being alternately disposed in a normal line direction of the sample attracting plane.

In the same field of endeavor, electrostatic chucks, Yasushi teaches a first electrode **4a** that centers on a circular portion having a given circular area, has a plurality of first annular portion that are concentrically disposed at a given interval, and has a first connection portion that connects the circular portion and the first annular portions to each other; and a second electrode **4b** that has a plurality of second annular portions having a width smaller than the interval which are concentrically disposed, is formed to have a second connection portion that connects the second annular portions to each other (Yasushi; figure 2; paragraph 0016).

The size and shape of the first and second electrode can vary according to the size and shape of the chuck and the workpiece, in order to maximize the

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area that the electrodes have in contact with the workpiece and improve the clamping force applied to a workpiece (Shamouillian; column 5, lines 19-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Yasushi into the bipolar electrostatic chuck taught by Shamouilian et al. and Benjamin et al., because Yasushi's teachings would have improved the clamping force applied to a workpiece.

Furthermore, the court has held that it would have been obvious to substitute one known configuration for another in order to achieve the predictable results of maximizing the area that the electrodes have in contact with the workpiece and improving the clamping force applied to a workpiece.

Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamouilian et al. (US 5,646,814), which was supplied in the applicant's information disclosure statement, in view of Benjamin et al. (US 6,563,076 B1) and Kitabayashi et al. (US 6,768,627 B1).

Consider claims 14 and 24, Shamouilian et al. and Benjamin et al. disclose a bipolar electrostatic chuck above,

Furthermore, Shamouilian et al. teaches that the width of the interelectrode gap (distance between the first and second electrode) is about 1  $\mu$ m to about 0.1 mm or about 1 mm to about 100 mm and that the width of the first electrode is about 1  $\mu$ m to about 0.1 mm (Shamouilian; figure 2b; column 6, lines 16-29; claim 7; claim 43).

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However, they do not explicitly disclose that the width (z) of the first electrode and the width (z) of the inter-electrode gap (distance between the first and second electrode) are made equal to each other, and that z is in the range of 0.15 to .5 mm.

In the same field of endeavor, electrostatic chucks, Kitabayashi et al. teaches that when one is trying to electrostatically attract a glass substrate, one sets the width of the electrodes in the range of 0.5 to 1.0mm and the width (distance) between the electrode are in the range of 0.5 to 1.0 mm (Kitabayashi; figure 1; column 9, lines 32-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kitabayashi et al. into the bipolar electrostatic chuck taught by Shamouilian et al. and Benjamin et al., because Kitabayashi's teachings would have provided an alternative configuration of the widths of the electrodes and the interelectrode gap (distance between the first and second electrode) that would have been preferred when one wants to attract a glass substrate.

However, they do not explicitly disclose that the width (z) of the first electrode and the width (z) of the inter-electrode gap (distance between the first and second electrode) are made equal to each other.

It would have be obvious to one of ordinary skill in the art to have picked a value of 0.5 mm for the width (z) of the electrodes and for the width (distance) (z) between the electrodes, because this value would make the width (z) of the

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electrodes and the width (z) between the electrodes equal to each other and have a width (z) in the range of 0.15 and 0.5 mm.

Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected the overlapping portion of the range disclosed by the reference because overlapping ranges have been held to be a prima facie case of obviousness.

### Response to Arguments

- 10. Applicant's arguments with respect to claims 1-25 regarding the newly add limitation of "said first electrode and second electrode being applied voltages that are different from each other" has been considered but are moot in view of the new ground(s) of rejection.
- 11. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.
- 12. Examiner respectfully disagrees with the Applicant that the combination of Shamoulilian and Benjamin does not teach generating at least an attracting performance by a gradient force, and attracts a sample by allowing a surface of the insulating material to function as a sample attracting plane.

The bipolar arrangement of Shamoulian's first or second electrode would generate at least an attracting performance by a gradient force, and attracts a sample by allowing a surface of the insulating material to function as a sample attracting plane.

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Also, the bipolar arrangement of Benjamin's first and second electrodes would generate at least an attracting performance by a gradient force and attracts a sample by allowing a surface of the insulating material to function as a sample attracting plane.

Furthermore, the Applicant admits on page 14 of his arguments filed on 07 March 2008 that a bipolar arrangement of the electrodes would produce a gradient force. The strength of the gradient force is not claimed, what matters is that the combination of Shamoulilian and Benjamin does indeed met the claimed limitations. The strength of the gradient force will be controlled my a number for factors which include the voltage applied to the first and second electrodes, the distance between the first and second electrodes, the size and sample of the electrodes, and the position/placement of the first and second electrodes.

#### Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horwitz et al. (US 5,103,367) teaches electrodes formed circular configuration. Naotoshi et al. (JP 2003-179128), which was supplied in the applicant's information disclosure statement, teaches electrodes formed in a band-like comb teeth configuration. Katata et al. (US 6,500,686 B2), which was supplied in the applicant's information disclosure statement, teaches electrodes formed circular configuration and formed in a band-like comb teeth configuration. Both Hausmann (US 6,104,596) and Herchen (US Pub. 2001/0046112 A1) teach an electrode formed in a mesh (curb) configuration. Both Masashi et al. (JP 08-064663) and Koichi (JP 11-251417), which

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both were supplied in the applicant's information disclosure statement, teach an electrically conductive layer that is formed on the surface of the insulating material.

Junji (JP 2003-318251), which was supplied in the applicant's information disclosure statement, teaches an insulating layer formed of silicon.

Masuda et al. (US 2002/0109955), which was supplied in the applicant's information disclosure statement, teaches a bipolar electrostatic chuck comprising a first electrode and a second electrode in an interior of an insulating material, said first electrode and second electrode being applied voltages that are different from each other.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

 Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS IEVA whose telephone number is (571)270Application/Control Number: 10/591,945 Page 18

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1270. The examiner can normally be reached on M-TH (7:30am - 5pm), and F (7:30am  $\,$ 

- 4pm), EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michael J Sherry/

Supervisory Patent Examiner, Art Unit 2836

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